

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JANE DOE 1, et al.,

Plaintiffs,

V.

ROANOKE COUNTY SCHOOL BOARD,

et al.,

Defendants.

Civil Action No. 7:22-cv-00163

By: Elizabeth K. Dillon

United States District Judge

ORDER GRANTING IN PART AND DENYING IN PART MOTION TO DISMISS

For the reasons stated in the accompanying memorandum opinion, it is HEREBY ORDERED as follows:

1. The motion to dismiss filed by defendants Roanoke County School Board, Daniel Lyons, Dominick McKee, Jason Breeding, Jill Green, Christopher Morris, and Laurie McCracken (Dkt. No. 42)¹ is GRANTED as to the 42 U.S.C. § 1983 claims of Jane Does 1, 3, and 4 (counts two, three, four, and five), which are DISMISSED WITH PREJUDICE; GRANTED as to the Title IX claims of Jane Does 1, 3, and 4 (count one), which are DISMISSED WITH PREJUDICE; GRANTED as to the state law claims of Jane Does 1, 3, and 4 against defendants Breeding and Green (counts six and eight), which are DISMISSED WITHOUT PREJUDICE; GRANTED as to the state law claims of Jane Doe 5 against defendant Green (counts six and eight), which are DISMISSED WITHOUT PREJUDICE; GRANTED as to the claim for supervisory liability against defendant Roanoke County School Board (count five), which is DISMISSED WITHOUT PREJUDICE; and DENIED in all other respects.

¹ The motion to dismiss was filed by all defendants except Lorsten Allen.

2. The claims that remain in this action are as follows:

- a. Jane Doe 2 and 5's Title IX claim against defendant Roanoke County School Board (count one);
- b. Jane Doe 2 and 5's equal protection claim against all defendants (count two);
- c. Jane Doe 2 and 5's substantive due process claim against all defendants (count three);
- d. Jane Doe 2 and 5's failure to train claim against defendants Roanoke County School Board, Lyons, McKee, Breeding, Green, Morris, and McCracken (count four);
- e. Jane Doe 1's gross negligence claim against Lyons, McKee, Morris, and McCracken (count six);
- f. Jane Doe 2's gross negligence claim against Lyons, McKee, Breeding, Green, Morris, and McCracken (count six);
- g. Jane Doe 3's gross negligence claim against Lyons, McKee, Morris, and McCracken (count six);
- h. Jane Doe 4's gross negligence claim against Lyons, McKee, Morris, and McCracken (count six);
- i. Jane Doe 5's gross negligence claim against Lyons, McKee, Breeding, Morris, and McCracken (count six);
- j. Jane Doe 1, 2, 3, 4, and 5's assault and battery claims against defendant Allen (count seven);
- k. Jane Doe 1's intentional infliction of emotional distress claim against Allen, Lyons, McKee, Morris, and McCracken (count eight);

l. Jane Doe 2's intentional infliction of emotional distress claim against Allen, Lyons, McKee, Breeding, Green, Morris, and McCracken (count eight);

m. Jane Doe 3's intentional infliction of emotional distress claim against Allen, Lyons, McKee, Morris, and McCracken (count eight);

n. Jane Doe 4's intentional infliction of emotional distress claim against Allen, Lyons, McKee, Morris, and McCracken (count eight); and

o. Jane Doe 5's intentional infliction of emotional distress claim against Allen, Lyons, McKee, Breeding, Morris, and McCracken (count eight).

The clerk of court is directed transmit a copy of this order and the accompanying memorandum opinion to all counsel of record.

Entered: March 29, 2023.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge